Dewan.—

I have already answered that.

Mr. S. C. Malliah.—

Are Government justified in going beyond the committee's recommendations?

Dewan.—

That has also been answered.

Mr. S. C. Malliah.—

In other canal areas, with the same assured supply of water, have you not recovered a smaller contribution?

Secretary to Government, Krishnarajasagara and Electrical Departments.—

It might have been so some years ago. But in all new and recent schemes, the average rate has been Rs. 150 per acre. In the case of some tank schemes, even Rs. 250 has been agreed to.

GOVERNMENT BUSINESS—(*continued*).

I. General Principles of the Bill for the Amendment of Section 73 of the Mysore Forest Regulation—(*continued*).

MR. D. S. MALLAPPA expressed the appreciation of the House for the kindness of Government in having circulated, in deference to the wishes of the members, the detailed Bill in Kannada. He was of opinion that the provisions of the Bill were unobjectionable and they might be accepted.

MR. V. V. IYER observed that the clause relating to the payment of compensation should be made more specific.

THE DEWAN stated that the section as drafted required no modification.

Thereupon, the general principles of the Bill were accepted.

VIII. General Principles of the Bill further to Amend the Mysore Motor Vehicles Regulation, 1928.

THE FIRST MEMBER OF COUNCIL explained the object of the Bill as follows :—

"It has been found during the course of the working of the Regulation that *defunct* motor bus services often evade recovery of

arrears of money due by them. With a view to facilitate speedy recovery, it is proposed in this Bill to make the procedure provided in the Land Revenue Code for recovery of arrears of land revenue, applicable to the levy of such moneys."

Continuing, he pointed out that a committee had been appointed to go into the question and that on their recommendation it was proposed to recover the dues as arrears of land revenue.

KHAN BAHADUR MAHOMED ABBAS KHAN was opposed to the idea of applying the provisions of the Land Revenue Code for the recovery of the arrears of permit fees. He said that the system of allowing the dues to fall into arrears might be obviated by recovering the dues always in advance, or that in case of default the license might be cancelled.

THE FIRST MEMBER OF COUNCIL explained that it was not possible to insist on getting prepayment of fees in all cases and that especially due to the present economic depression, the Government had to permit the license-holders to make payments in instalments instead of in a lumpsum. By merely cancelling the license, there was the risk of inconveniencing the travelling public. To avoid these risks, it was proposed to take power to recover these arrears as in the case of forest and excise dues by suitably amending the existing Regulation.

KHAN BAHADUR MAHOMED ABBAS KHAN apprehended that the result of the proposed amendment would be that the property belonging to the family of the license-holder would be held liable and the interests of the family would suffer. Instead of resorting to a penal law for a simple object, he suggested that every permit-holder might be required to give a personal security so that the dues might be recovered easily by means of a civil suit.

MR. M. S. LINGE GOWDA also in opposing the measure pointed out that the proposed measure would not achieve the object in view, if the permit-holder had no landed property of his own. Instead of that, he thought that the system of recovering the fees in advance of every quarter or of insisting on the production of a personal security would be more justifiable than proceeding against the property of the party and putting the minor claimants to the property to loss.

MR. H. K. MADAIYA and several other members said that no bus owner should be given a license unless at least three months' advance was taken from him. The present practice of allowing the bus owners to delay payment would necessitate a Bill of this nature. If strict rules were framed

as suggested above, all these inconveniences would be obviated.

MR. NILGIRI G. SANJEEVIAH said that he was also a member of the special committee, but at no meeting of the committee was this point discussed. His own opinion was that the system of temporary permits should be abolished, and that, if the practice of receiving payments in advance was strictly insisted upon, there would not be any necessity for legislation of this kind.

With reference to the argument that the Government should collect the license fees in advance in every case, the FIRST MEMBER OF COUNCIL said that it was not always possible to do so. Under the rules, it was provided that "touring and other motor vehicles plying for hire occasionally may be given annual permits in a book form on payment of Rs. 25. Each trip made by the vehicle shall be entered in the book and the total distance run by the vehicle during the period of the permit together with the amount that would be charged for such distance at the ordinary mileage shall be calculated at the end of the period for which the permit was granted. If the amount thus calculated exceeds Rs. 25 already paid, such excess amount shall be collected from the permit-holder."

The bus owners had to be allowed, on confidence, to pay their dues for such journeys later. It was an easy matter for Government to make a rule insisting upon payment in every case and on failure of such payment to stop the service altogether. But the difficulty was that the public would be considerably inconvenienced.

MR. V. K. CHANNAVEERAPPA enquired how the fees would be collected if the permit-holder did not possess any property. He was of the opinion that no license should be granted without payment in advance.

MR. H. C. DASAPPA said that he was also a member of the committee and that this point did not come up for discussion there. He enquired why, out of so many recommendations made by the committee, only this one (seventh item in the Appendix) should have been brought up.

THE FIRST MEMBER OF COUNCIL replied that this was the only point which required legislation. He added that, so far as the Government were concerned, they received certain recommendations from the committee whose report had been signed by all the members. They naturally inferred that all these matters had been discussed, and the recommendations made in the report had been accepted by all

the signatories. Government would not have taken any action had it not been for the recommendations embodied in the committee's report.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY also feared that many legal difficulties would arise if the proposed law were passed. For instance, the bus might have been mortgaged; the permit-holder might not have any property or the real owner of the bus itself might be somebody else who would have given his bus to the charge of another person. It would be difficult in the end to know exactly from whom the arrears should be recovered.

With regard to the suggestion that no temporary permits should be given, the FIRST MEMBER OF COUNCIL referred the Assembly to Rule 30 of the rules which runs as follows:—

"For any extra journey not covered by the permit made along the route specified above, payment shall be made at the usual rate, and if the driver or owner of the vehicle fails to report the extra journey and make the payments, he will be liable to pay twice the amount ordinarily due."

It followed that the fee for extra journey should be collected later on. Failing this, no extra journeys should be permitted. The result would be that a lot of inconvenience would be caused to the travelling public.

With reference to Mr. Nagappa Setty's argument, the First Member of Council said that the Government would not proceed on anybody else's property, nor could they proceed on the minor brothers' property. Government could only proceed against the permit-holder and recover the amount under the Land Revenue Code.

Upon this, MR. NAGAPPA SETTY agreed to the measure.

MR. B. L. BYANNA was of opinion that the Bill should be withdrawn as it would only lead to litigation against the bus owners who were already indebted.

MR. P. SEETHARAMAIYA pointed out that under three circumstances there would be necessity to allow arrears with the permit-holders as already explained by the First Member of Council. There was an impression that these arrears would be the first charge on the property of the defaulting permit-holder and that they would be collected under the Land Revenue Code. But, as a matter of fact, it was not the case. What was going to be sold under the Land Revenue Code was only the right, title and interest of the permit-holder alone. It would certainly be subject to the other mortgages or previous claims on the property. In the present case, what was going to be done was that, instead of

filing a suit against the permit-holder and entering into a long and arduous litigation, Government merely wanted the procedure as laid down in the Land Revenue Code to be followed for the collection of arrears. There was no question of forfeiture of the property involved at all. If that was the position, he said that he would heartily agree to the legislation.

MR. NABI KHAN observed that, under the present rules, of three months' advance had to be taken from the license-holder and after that period the police would not allow the permit-holder to ply the bus without payment even for a single day. Even for any special trip, an application had to be made to the Deputy Commissioner beforehand and formal permission obtained. While the procedure was like that, he thought that there was no reason for passing a special legislation. Where the money was not paid as soon as demanded, the police at once came to the scene and took steps to cancel the license. It was a wholesome practice. In these circumstances, he did not see any necessity for the amendment.

MR. B. GOPALACHAR thought that by passing this measure Government would have only invited litigation.

MR. BELUR SRINIVASA IYENGAR said that, under Section 193 of the Land Revenue Code, there was no room for any confusion in this matter. What was intended here related only to the right, title and interest of the person in the property and not the property, and in his opinion the procedure laid down in the measure for the recovery of the money was the best way conceivable.

In winding up the debate, the FIRST MEMBER OF COUNCIL said that this measure had been put before the Assembly on the recommendation of the special committee appointed by Government. However much the Government might be strict, some payment from the bus owner would always be in arrears and even after the date the permit had expired, the bus might ply for some time more. The rules also provided for extra journeys and there might be arrears on account of such journeys.

A doubt was expressed that the property of the other members of the family would be affected. But, as a matter of fact, it was not so as explained by Messrs. Sitharamaiya and Belur Srinivasa Iyengar. It was only the right, title and interest of the permit-holder in the property that would be made liable for the dues.

MR. D. S. MALLAPPA thereupon withdrew his objection to the measure.

The general principles of the Bill were thereupon accepted by the House unanimously.

THE DEWAN said that the rest of the Government Business would be taken up on Monday the 26th October 1931.

REPRESENTATIONS.

No. 1.—Reduction of Salaries of Officers.

Messrs. Gangireddy, Bagepalli Taluk; Bhaskarappa, Srinivaspur Taluk; and Venkatarame Gowda, Mulbagal Taluk.

No. 2.—Reduction of the Pay of the Officers getting a Pay of more than Rs. 100 per month.

Mr. D. Basappa Gowda, Sorab Taluk.

No. 3.—Reduction of the Pay of Officers.

Mr. C. Subbanna Naik, Koppa Taluk.

THE DEWAN observed that the above three representations might be considered along with Resolution No. 5 which also related to the same subject.

No. 4.—Publication of a book containing the Names of all Officials in the State.

Messrs. L. Siddappa, Channagiri Taluk; and M. Basappa, Kumsi Sub-Taluk.

MR. L. SIDDAPPA represented that Government might be pleased to order the annual publication of a book containing the names, qualifications, etc., of all officials in the State on the lines of the Mysore Civil List. He added that such a compilation would be useful not only for purposes of the grant of promotions to subordinates, but for other purposes as well. There were no doubt rules for the grant of promotions, but it was a well-known fact that they were not being observed impartially. Interpellation No. 5 which was discussed the previous day related one of such instances. In such cases, it was usual for Government to ask for specific instances. The compilation suggested in the representation would furnish the required data to the members. These lists might be prepared either for each district or for the State as a whole as the Government deemed fit.

THE FIRST MEMBER OF COUNCIL said that every department was maintaining a gradation list. To compile a book every year containing over 40,000 names would involve very heavy cost. It would not also be up to date and might not contain all the information regarding qualifications, etc.

MR. L. SIDDAPPA said that, if it was difficult to publish it annually, it might at least be published once in two or three years.